

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed Emergency**

**Rule making related to state supplementary assistance**

The Human Services Department hereby amends Chapter 51, “Eligibility,” and Chapter 52, “Payment,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 249A.4 and 2017 Iowa Acts, House File 653, section 14.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 249A.4 and 2017 Iowa Acts, House File 653, section 14.

*Purpose and Summary*

These amendments implement the January 1, 2018, cost-of-living adjustments (COLA) to income limits and benefit amounts for several State Supplementary Assistance (SSA) categories. These amendments also implement the changed personal needs allowance for the residential care facility (RCF) assistance and family-life home (FLH) assistance. The net change to the personal needs allowance is a decrease due to a small COLA percentage increase that is offset by a larger decrease in the average monthly Medicaid copayments used to calculate the amount of this deduction.

*Reason for Adoption of Rule Making Without  
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary or impractical because the statute so provides. The Administrative Rules Review Committee reviewed this rule making on January 5, 2018, pursuant to 2017 Iowa Acts, House File 653, section 32. These amendments increase payment amounts and income limits under the SSA program in accordance with cost-of-living increases in Supplemental Security Income (SSI) benefits, as required by the Iowa General Assembly in order to meet federal pass-along requirements.

*Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a) and (b), the Department finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on January 5, 2018, because the rule making is in compliance with 2017 Iowa Acts, House File 653, section 14, and because it confers a benefit on the public by increasing payment amounts and income limits under the SSA program.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on December 13, 2017.

*Concurrent Publication of Notice of Intended Action*

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as **ARC 3596C** to allow for public comment.

### *Fiscal Impact*

The RCF and FLH personal needs allowances (PNAs) are decreasing by \$1 per month from \$100 to \$99 per month. The base personal needs allowance is increased only slightly due to the 2 percent COLA this year. This increase was more than offset by the decrease in the average Medicaid copayment per client per month for RCF assistance recipients. (The average Medicaid copayment per client per month is added to the base PNA to determine the final monthly PNA.) The average copayment per client per month for RCF assistance recipients for August 2016 through July 2017 was \$.90. This is a decrease of \$2.89 from last year's average of \$3.79. For FLH recipients, the \$16 increase in the payment to the FLH is offset by the \$1 decrease in the personal needs deduction and a \$15 increase in the SSI payment. The recipient will pay up to \$16 more due to the \$15 increase in income and a \$1 decrease in the PNA. For RCF assistance recipients, the maximum total payment to the facility will increase up to \$15.19 per month per recipient  $[(30.60 - 30.11) \times 31 \text{ days}]$ . RCF costs are shared by the state and the RCF assistance recipient. Any potential increased costs to the state are expected to be more than offset by declining RCF caseloads in SFY '18 and SFY '19. For dependent-person assistance recipients, the maximum monthly payment is increasing by \$8, from \$379 to \$387. Each dependent-person assistance recipient will receive up to an \$8 increase, resulting in an anticipated increase in state expenditures.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making became effective on January 5, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 51.4(1) as follows:

**51.4(1) Income.** Income of a dependent relative shall be less than ~~\$379~~ \$387 per month. When the dependent's income is from earnings, an exemption of \$65 shall be allowed to cover work expense.

ITEM 2. Amend rule 441—51.7(249), introductory paragraph, as follows:

**441—51.7(249) Income from providing room and board.** In determining profit from furnishing room and board or providing family life home care, ~~\$379~~ \$387 per month shall be deducted to cover the cost, and the remaining amount treated as earned income.

ITEM 3. Amend subrule 52.1(1) as follows:

**52.1(1) Protective living arrangement.** The following assistance standards have been established for state supplementary assistance for persons living in a family-life home certified under rules in 441—Chapter 111.

<del>\$797</del> <u>\$813</u>	Care allowance
<del>\$100</del> <u>\$ 99</u>	Personal allowance
<del>\$897</del> <u>\$912</u>	Total

ITEM 4. Amend subrule 52.1(2) as follows:

**52.1(2) *Dependent relative.*** The following assistance standards have been established for state supplementary assistance for dependent relatives residing in a recipient's home.

a. Aged or disabled client and a dependent relative . . . . .	<del>\$1,114</del> <u>\$1,137</u>
b. Aged or disabled client, eligible spouse, and a dependent relative . . . . .	<del>\$1,482</del> <u>\$1,512</u>
c. Blind client and a dependent relative . . . . .	<del>\$1,136</del> <u>\$1,159</u>
d. Blind client, aged or disabled spouse, and a dependent relative . . . . .	<del>\$1,504</del> <u>\$1,534</u>
e. Blind client, blind spouse, and a dependent relative . . . . .	<del>\$1,526</del> <u>\$1,556</u>

ITEM 5. Amend subrule 52.1(3) as follows:

**52.1(3) *Residential care.*** For periods of eligibility before July 1, 2017, the department will reimburse a recipient in either a privately operated or non-privately operated residential care facility on a flat per diem rate of \$17.86 or on a cost-related reimbursement system with a maximum per diem rate of \$30.11. The department shall establish a cost-related per diem rate for each licensed residential care facility choosing the cost-related reimbursement method of payment according to rule 441—54.3(249).

For periods of eligibility beginning July 1, 2017, ~~and thereafter,~~ payment to a recipient in a privately operated licensed residential care facility shall be based on the maximum per diem rate of \$30.11, ~~but reimbursement.~~ Reimbursement for recipients in non-privately operated residential care facilities will ~~continue to be based on the flat per diem rate of \$17.86 or be based on the cost-related reimbursement system with a maximum per diem rate of \$30.11.~~

For periods of eligibility beginning January 1, 2018, and thereafter, payment to a recipient in a privately operated licensed residential care facility shall be based on the maximum per diem rate of \$30.60. Reimbursement for recipients in non-privately operated residential care facilities will be based on the flat per diem rate of \$17.86 or be based on the cost-related reimbursement system with a maximum per diem rate of \$30.60.

The facility shall accept the per diem rate established by the department for state supplementary assistance recipients as payment in full from the recipient and make no additional charges to the recipient.

a. All income of a recipient as described in this subrule after the disregards described in this subrule shall be applied to meet the cost of care before payment is made through the state supplementary assistance program.

Income applied to meet the cost of care shall be the income considered available to the resident pursuant to supplemental security income (SSI) policy plus the SSI benefit less the following monthly disregards applied in the order specified:

- (1) No change.
- (2) An allowance of ~~\$100~~ \$99 to meet personal expenses and Medicaid copayment expenses.
- (3) to (6) No change.
- b. to g. No change.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/31/18.